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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 Francis A. Grandinetti, II,	)	No. CV 08-575-PHX-MHM (BPV)
10 Plaintiff,	)	<b>ORDER</b>
11 vs.	)	
12	)	
13 Bateman, et al.,	)	
14 Defendants.	)	
15	)	

16 Plaintiff Francis A. Grandinetti, II, who is confined in the Corrections Corporation of

17 America facility in Eloy, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C.

18 § 1983. On April 15, 2008, the Court dismissed the Complaint and this action under the “3-

19 strikes” provision of 28 U.S.C. § 1915(g), and judgment was entered. The action was

20 dismissed without prejudice to Plaintiff filing a new action accompanied by the full \$350.00

21 filing fee.

22 On April 25, 2008, Plaintiff filed a “Motion for Relief Following Clerk’s Judgment”

23 (Doc. #7) and a “Motion for Appellate Injunction” (Doc. #8). The Court will deny the

24 Motions.

25 The Court will treat Plaintiff’s Motion for Relief as a motion for reconsideration.

26 Motions for reconsideration should be granted only in rare circumstances. Defenders of

27 Wildlife v. Browner, 909 F. Supp. 1342, 1351 (D.Ariz. 1995). “Reconsideration is

28 appropriate if the district court (1) is presented with newly discovered evidence,

(2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” School Dist. No. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993). Such motions should not be used for the purpose of asking a court “to rethink what the court had already thought through—rightly or wrongly.” Defenders of Wildlife, 909 F. Supp. at 1351 (quoting Above the Belt, Inc. v. Mel Bohannon Roofing, Inc., 99 F.R.D. 99, 101 (E.D.Va. 1983)).

Plaintiff has not presented the Court with any grounds in support of his motion for reconsideration. The Court has reviewed both Plaintiff’s Complaint and the Order of dismissal and finds no reason to vacate the judgment of dismissal in this case. Plaintiff’s Motion for Relief will therefore be denied.

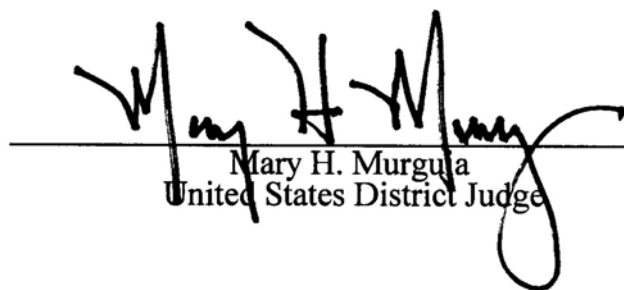
In his Motion for Appellate Injunction, Plaintiff makes several statements that appear to be related to the facts in his Complaint. However, Plaintiff makes no request for relief in the Motion. Accordingly, the Court will deny the Motion for Appellate Injunction.

**IT IS ORDERED:**

(1) Plaintiff’s April 25, 2008 Motion for Relief (Doc. #7) is **denied**.

(2) Plaintiff’s April 25, 2008 Motion for Appellate Injunction (Doc. #8) is **denied**.

DATED this 4<sup>th</sup> day of June, 2008.



Mary H. Murgula  
United States District Judge